

### **152.750 Policy of Commonwealth -- Implementation.**

- (1) It shall be the policy of the Commonwealth of Kentucky to encourage and promote the development and demonstration of efficient, environmentally acceptable and commercially feasible technologies, techniques, and processes for production, transportation, conversion and utilization of coal, oil shale and tar sands in liquid, gaseous, or solid forms, and to insure that additional public service demands on local governments resulting from this development be met in an orderly fashion.
- (2) This policy may be implemented by the creation of a coal warehousing industry in the Commonwealth consisting of one (1) or more coal storage sites with attendant loading, processing and transportation facilities to serve coal conversion facilities, any national energy project approved by the Federal Energy Mobilization Board, any synthetic fuel project approved by the Federal Energy Security Corporation and any other coal-related energy project, facility, process or technique involving increased production, transportation, conversion and utilization of Kentucky coal.
- (3) This policy may be implemented by the creation of a commodities exchange for the trading of coal futures in Kentucky consisting of a contract market and state certified coal warehousing facilities wherein coal which is subject to outstanding futures contracts can be stored for future delivery.
- (4) This policy may be implemented by contracts and agreements with the federal government and its agencies and/or with other organizations, including private industry, and through organizations that may be formed jointly by the state, the federal government or its agencies, and private industry to conduct developmental and demonstration projects in such organizational form or legal entity deemed appropriate by the participants.
- (5) This policy may be implemented by the expenditure of state funds for the preliminary engineering and planning, design, construction, and/or operation of developmental and demonstrative projects in Kentucky, including pilot and demonstration plants, and for the acquisition and improvement of land, construction of roads, and provision of other public facilities incidental and necessary to the accomplishment of developmental and demonstrative projects in Kentucky.
- (6) This policy may be implemented by the sale or lease of state property or property rights to organizations engaged in developmental and demonstrative projects in Kentucky, either for a fair and reasonable consideration or solely or partly as all or a portion of the state's participation under KRS 152.755 to 152.785 in developmental and demonstrative projects.
- (7) This policy may be implemented by acquisition by purchase, or option to purchase, and if the Commonwealth is unable to contract or agree with the owner after a good faith effort to do so, by the exercise of eminent domain the fee simple title to, or any acceptable lesser interest in such lands, rights-of-way, franchises, or easements, including submerged lands and riparian rights that are necessary for the construction, use or operation of any authorized demonstration project or projects and for the construction and operation of a line of railroad, truck road, overhead conveyor, pipeline or other transportation facilities for the transportation of coal, water, or other materials and supplies, to the authorized demonstration project or

projects from the most convenient and accessible point on a railroad, navigable stream, or mine site together with the necessary rights of ingress and egress to construct, examine, alter, repair, maintain, operate, or remove such transportation facilities. The proceedings for condemnation shall be as provided in the Eminent Domain Act of Kentucky.

- (8) For purposes of this section the authority for the exercise of eminent domain, as defined in subsection (7), shall be confined solely to authorized demonstration projects which deal specifically with commercially feasible technologies, techniques and processes for production, transportation, conversion and utilization of coal in liquid gaseous and solid forms.
- (9) This policy may be implemented by contracts and agreements for the Commonwealth to purchase all or a portion of the usable output of developmental and demonstration projects, either for a fair and reasonable consideration or solely or partly as all or a portion of the state's participation under KRS 152.755 to 152.785 in developmental and demonstrative projects, and to dispose of this output by use in state facilities or by resale at fair market value.

**Effective:** July 15, 1982

**History:** Amended 1982 Ky. Acts ch. 441, sec. 1, effective July 15, 1982. -- Amended 1980 Ky. Acts ch. 129, sec. 1, effective July 15, 1980. -- Amended 1978 Ky. Acts ch. 384, sec. 40, effective June 17, 1978. -- Created 1974 Ky. Acts ch. 78, sec. 1.